

REMARKS

Claim 2 is pending in the present application. Claims 2 is herein amended. No new matter has been entered. It is respectfully submitted that this Amendment is fully responsive to the Office action dated December 10, 2007.

Applicants appreciate the courtesy extended by Examiner Braden during the telephone interview conducted on January 16, 2008. The subject matter discussed during that interview is incorporated into the remarks submitted below.

Claim Rejections - 35 U.S.C. §103

Claim 2 was rejected under 35 U.S.C. §103(a) as unpatentable over *Walsh* (USPN 6,776,300) in view of *Voorhees* (USPN 3,498,494).

In rejecting this claim, the Examiner acknowledged that *Walsh* fails to disclose the stacking arrangement of one large container stacked below two smaller containers with the same shape and structural features. However, the Examiner asserted that a secondary reference (*Voorhees*) teaches a stacking arrangement of one large container stacked below two smaller containers with the same shape and structural features (fig. 14) in the same field of endeavor for the purpose of holding different objects. Thus, the Examiner concluded that it would have been obvious to have containers with the same structure but different sizes that are stackable as taught by *Voorhees* in order to add versatility to a storage system.

Applicants respectfully disagree. However, to expedite prosecution Applicants herein amend claim 2 to clarify the subject matter of the claimed invention. Accordingly, for the

reasons discussed below, Applicants request that the obviousness rejection of claim 2 be withdrawn.

Applicants submit that a *prima facie* case of obviousness has not been presented because each and every limitation of claim 2 is not present in the cited references.

For instance, *Walsh* does not disclose a structure wherein *long-side bank portions are configured to be higher than said short-side bank portions*. Instead, both the written description and drawings of the cited reference are silent with regards to this feature. Although *Walsh* identifies base side walls 24 and base end walls 26, the reference does not describe whether the side walls are longer or shorter than the end walls. *Walsh* only describes that the base side walls 24 are taller than the base end walls 26. However, the purpose of having taller base side walls 24 is to enable collapsibility of the four walls. *See*, Col. 4, line 39 – Col. 5, line 3. Accordingly, *Walsh* does not teach or suggest a structure having *long-side bank portions are configured to be higher than said short-side bank portions* (e.g., because it is only necessary that one pair of opposing base walls is taller than the other pair of opposing base walls).

Furthermore, *Walsh* does not teach or suggest that *protruding portions are formed in respective corner areas of the bottom fitting portion and extend toward corresponding corner portions of the small folding container bottom of the respective small folding containers*. Instead, the Examiner has mischaracterized the leg strap elements 92, 94 as the protruding portions described in the claimed invention. The leg strap elements 92, 94 are part of an optional forklift strap 88 that is used to prevent tipping of the container on a pair of lift forks when the container is raised from a seated or stacked position. *See* Col. 7, lines 27-38. The leg strap elements are

not fitted into respective fitting concave portions formed in the folding container below and the leg strap elements 92, 94 do not extend toward the corner portions of the bottom of the large folding container. Accordingly, this structural claimed feature is missing from the cited references.

However, to clarify this distinction, Applicants herein amend claim 2 to recite that *said peripheral frame includes a long-side wall portion that is substantially parallel with and spaced apart from each of said long-side bank portions, a short-side wall portion that is substantially parallel with and spaced apart from each of said short-side bank portions of said frame, and four extending portions formed in respective corner areas of said bottom fitting portion and horizontally extending away from said long-side wall portion and said short-side wall portion side of said peripheral frame and towards said corner of said bottom, wherein said extending portions connect each of said long-side wall portions to said short-side wall portions, and a distance between said extending portions and said bank portions of said bottom is less than the distance between said long and short-side wall portions of said peripheral frame and said bank portions of said bottom.* Support for this amendment is provided, for example, on pages 5-8 of the specification and in FIGS. 3-5.

Applicants respectfully submit that *Walsh* does not disclose a collapsible, stackable container having a bottom section structured in this manner. For instance, the leg cap elements 92 and 94 that the Examiner characterizes as the “protruding portions” are described as being “seat(ed) telescopingly within corner and center bottom leg openings 96, 98, respectively.” See col. 7, lines 36-40 (FIG. 7). Accordingly, it is clear that the leg cap elements do not extend away,

Application No.: 10/761,379
Art Unit: 3781

Response under 37 C.F.R. §1.111
Attorney Docket No.: 032181

in the horizontal direction, from a peripheral frame (not disclosed) and towards a corner of the container 10. Instead, the leg cap elements 92, 94 jut away from the pallet-type base 12 of the container 10.

In view of this amendment and the aforementioned remarks, Applicants request that the Examiner withdraw the §103 rejection of claim 2.

Conclusion

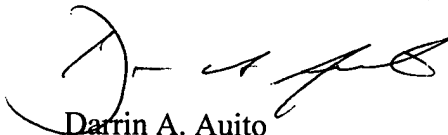
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Darrin A. Auito
Attorney for Applicants
Registration No. 56,024
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

DAA/jac